

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 71749

William F. Rains
Shirley Rains

7908 Beverly Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 11, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312, 35-5-302 (b)(1), 302 (b)(1)(3), 302(b)(1)(5); Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1D, failure to remove junk and debris, failure to eliminate open dump conditions; failure to repair/replace all missing, damaged or inoperative gutters and downspouts; failure to repair/replace all rotted wood, failure to scrape and paint all peeling and flaking paint on residential property zoned DR 5.5 known as 7908 Beverly Avenue, 21234.

On April 14, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$10,000.00 (ten thousand dollars).

The following persons appeared for the Hearing and testified: Laura Rains, daughter-in-law of the Respondents, Pamela Pelletier, daughter of the Respondents and Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 4, 2009 for removal of open dump/junk yard, removal of untagged recreation vehicle, remove trash and debris, repair exterior structures, repair metal/wood surfaces, remove fallen tree and branches, remove water heater, wood, plastic, repair missing or inoperative gutters and downspouts, repair or replace rotted wood and scrape and paint all surfaces. This Citation was issued on April 14, 2010.

B. Inspector Jeff Radcliffe testified that some progress has been made since issuance of the Correction Notice. The recreational vehicle was moved and substantial quantities of tree debris and other junk and debris has been removed. Re-inspection the day before this Hearing found a dumpster on the property; some debris still remains in the yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. The front fascia has been painted and some repairs have been made to the gutters, but there are still holes in the gutters. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302.

C. Laura Rains testified that she is the daughter-in-law of the Respondents, who have both recently passed away. Dawn Pelletier, daughter of the late Respondents, also appeared at this Hearing. Ms. Rains testified that her late father-in-law had a hoarding problem and the cleanup has been very difficult and expensive. She testified that they are working to clean up the property so it can be sold, and requested additional time to correct the remaining violations.

D. Because compliance is the goal of code enforcement, and because Ms. Rains and her family are clearly working hard to correct the remaining violations as they prepare the property for sale, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by July 1, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.